

United States Senate

October 22, 2018

VIA ELECTRONIC DELIVERY

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Acting Administrator Wheeler:

As we begin observing National Lead Poisoning Prevention Week and following troubling reports that the Director of the U.S. Environmental Protection Agency (EPA) Office of Children's Health, a non-political career official, was abruptly put on paid administrative leave with little explanation, I write to reiterate my request that EPA release the Administration's lead strategy for public comment and peer-review.

As Acting Administrator, you must also provide transparency as to why EPA pushed out a renowned leader in children's environmental health. This highly-respected pediatrician and epidemiologist is exactly the type of non-partisan career official that Americans deserve on the job working to protect their public health. Failure to provide a detailed and credible explanation lends credence to reasonable suspicions that your personnel action was designed to undermine the mission of EPA's Office of Children's Health Protection.

Public health experts at EPA, the Centers for Disease Control and Prevention, the American Association of Pediatrics and many others have found that there is no safe level of lead exposure. For vulnerable populations like young children, pregnant mothers and the elderly, exposure to lead can be extremely dangerous and permanently life altering.

Any successful strategy to eliminate lead exposure must include a systematic approach to identifying the presence of lead-service-lines (LSL), a plan to prioritize replacement of LSLs in areas with vulnerable populations like schools and daycares, and an urgently needed comprehensive modernization of the outdated and ineffective Lead and Copper Rule. It must also include a request for the financial resources necessary to ensure that the lead exposure crisis that persists in both rural and urban areas will be tackled once and for all.

The Administration held a "lead summit" and created a task force focused on developing a strategy to address this crisis. More than a year later, we have not yet received an update from the Administration on its efforts to address this urgent public health crisis. In fact, the only meaningful action EPA appears to have taken is forcing the Children's Health Director, who should be part of the Agency's efforts to reduce lead exposure and implement a lead strategy, to indefinitely leave work while receiving full pay and benefits. To better understand the status of

EPA's effort to address the national lead poisoning crisis, please provide detailed responses to the following:

1. Provide a detailed timeline of when the Administration plans to release its long-delayed lead strategy plan;
2. Explain your decision to abruptly place a key, highly experienced career official on administrative leave, even though that highly respected individual leads the team that should be implementing a strategy to protect families from lead and other environmental threats to their health;
3. Explain how this personnel action was not an attempt at intimidating or punishing a career civil servant by cleverly using an administratively authorized absence to humiliate a Federal employee;
4. Clarify whether this personnel action was intended to be a disciplinary action and if this was intended to be a disciplinary action, explain why EPA chose to use Administrative Leave rather than an adverse personnel action in response to an alleged prohibited personnel practice; and
5. If it is determined that the personnel action was actually an attempt to retaliate or otherwise harm the civil servant, please describe what specific actions you will take to restore confidence in career EPA personnel that they will be protected from arbitrary and capricious personnel actions by political appointees.

Reducing lead exposure and protecting families is a major priority for me and my constituents. The Administration is long overdue in upholding its promise to address this crisis. A critical step in the right direction would be to release the lead strategy for public comment and peer-review without further delay. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, reading "Tammy Duckworth". The signature is fluid and cursive, with the first name "Tammy" and last name "Duckworth" clearly distinguishable.

Tammy Duckworth
United States Senator